

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN THE MATTER OF)	ADMINISTRATIVE ORDER
A UNIFORM BOND SCHEDULE)	NO. 2009-061
FOR MARICOPA COUNTY)	(Revising and Replacing
LIMITED JURISDICTION COURTS)	Administrative Order No. 2007-106)
_____)	

In 1994, Administrative Order 94-070 established a Uniform Bond Schedule for Maricopa County Limited Jurisdiction courts. This order called for a review of this schedule on an annual basis. Reviews have been conducted in 1996, 1997, twice in 1999, 2002, 2007 and 2008. The final report in November 2008 recommended that a new Administrative Order be issued including recommended revisions that would reflect both increased fines as well as increased surcharges.

It is in the interest of the administration of justice in Maricopa County that a Uniform Bond Schedule, Presumptive Sanctions for Civil Traffic continues to be established. Accordingly,

IT IS ORDERED adopting the attached UNIFORM BOND SCHEDULE, PRESUMPTIVE SANCTIONS FOR CIVIL TRAFFIC document and directing that all Municipal Court Presiding Judges and all Justices of the Peace in Maricopa County implement and adhere to the same beginning June 1, 2009.

IT IS FURTHER ORDERED that each Municipal Court Presiding Judge and each Justice of the Peace shall present to the Presiding Judge of Maricopa County, no later than July 1, 2009, documentation as to the bond amounts and presumptive sanctions for civil traffic which will be applicable for their court.

IT IS FURTHER ORDERED that a committee from the Maricopa County Municipal Presiding Judges and Maricopa County Justices of the Peace review this order on an annual basis.

UNIFORM BOND SCHEDULE
PRESUMPTIVE SANCTIONS FOR CIVIL TRAFFIC

STATEMENT OF INTENT

1. The Presiding Judges of limited jurisdiction courts within Maricopa County retain authority within their courts to set fine amounts for civil traffic offenses. This statement is not intended to limit or extend that authority.
2. Nevertheless, the Presiding Judges of limited jurisdiction courts within Maricopa County also recognize that public perception of the criminal justice system and, more specifically the courts, can be enhanced by ensuring greater consistency in the setting of bond amounts for the same or similar criminal offenses and in the imposition of sanctions for civil traffic offenses by the limited jurisdiction courts within Maricopa County.
3. In the absence of local community concerns which may justify alternative fines, the Presiding Judges of limited jurisdiction courts within Maricopa County agree to voluntarily structure bonds and civil traffic sanctions to conform to this schedule, effective June 1, 2009.
4. This schedule will be reviewed by a task force appointed by the Presiding Judge of Maricopa County on an annual basis to determine if there should be any recommended changes to this schedule.

UNIFORM BOND SCHEDULE – CRIMINAL OFFENSES

Class 1 Misdemeanors.....	\$500.00
Class 2 Misdemeanors.....	\$350.00
Class 3 Misdemeanors.....	\$150.00

This is a presumptive bail amount for those defendants who are booked into jail and desire to post bond to effectuate a release prior to appearing before a judge. It is recognized that judges in individual cases may set bond amounts that vary substantially from these uniform bond amounts, based upon the particular facts of each individual case before them. These bond amounts include all applicable surcharges. This statement recognizes as a paramount, the constitutional mandate that, in all cases, the purpose of a bond is to guarantee the subsequent appearance of the defendant for a court proceeding.

Individuals who are charged with a domestic violence offense may not secure their release prior to appearing before a judge who will determine appropriate conditions of release.

Individuals who are arrested with an outstanding warrant shall not be eligible for release without satisfying the conditions of release attached to the warrant.

Individual courts may establish additional criteria for release prior to appearance before a judge upon notification to the Presiding Judge of the Superior Court.

PRESUMPTIVE SANCTIONS FOR CIVIL TRAFFIC OFFENSES

These presumptive sanction amounts (excluding mandatory sanction amounts) include a range of plus 10% or minus 10%. These sanction amounts are those that appear on a payment card or envelope for those individuals who elect to mail in their sanction without appearing before a judge or hearing officer and include applicable surcharges. Individual court fees established by city councils and FARE fees are in addition to these sanctions and may place some court fines above the recommended range.

Civil traffic offenses with minimum mandatory sanction amounts, which do not require an appearance before a judge, will state the minimum mandatory amount.

Civil traffic offenses are divided into four categories:

TRAFFIC OFFENSES – BAIL CARD SCHEDULE

- Offenses with minimum mandatory sanctions . . .Minimum mandatory amount
- Moving traffic offenses.....\$165.00
(Range: \$149.00 - \$182.00)
- Non-moving traffic offenses.....\$128.00
(Range: \$115.00 - \$141.00)
- Speeding (A.R.S. § 28-701A):
 - 1-9 mph over (Range: \$149.00 - \$182.00).....\$165.00
 - 10-15 mph over (Range: \$164.00 - \$200.00).....\$182.00
 - 16-20 mph over (Range: \$176.00 - \$215.00).....\$195.00
 - 21-29 mph over (Range: \$221.00 - \$270.00).....\$245.00
 - 30-39 mph over (Range: \$288.00 - \$352.00).....\$320.00

40+ mph over (Range: \$423.00 - \$517.00).....\$470.00

In addition, A.R.S. § 41-1722 creates the statewide photo enforcement system. The Civil penalty or fine for violations of Title 28, chapter 3, articles 3 and 6 is \$165.00 and is not subject to any surcharge except the surcharge imposed by A.R.S. § 16-954 for the net fine or penalty of \$181.50.

If local concerns justify an alternative presumptive bail amount, a court may impose such amount upon notification to the Presiding Judge of the Superior Court of the alternative amount.

DATED this 20th day of May, 2009.

Barbara Rodriguez Mundell
Presiding Judge

Original: To be filed with the Clerk of the Superior Court

Copies: Hon. Ruth V. McGregor, Chief Justice, Arizona Supreme Court
Justices of the Peace
Municipal Court Presiding Judges and Administrators
David K. Byers, Administrative Director, AOC
Marcus Reinkensmeyer, Judicial Branch Administrator
Karen Westover, Deputy Court Administrator
Terry Stewart, Administrative Services Director for Justice Courts